

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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ANDREW J. KASINSKI,

Plaintiff,

v.

ORDER  
05-CV-840A

JO ANNE BARNHART, Commissioner of  
Social Security,

Defendant.

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The above-referenced case was referred to Magistrate Judge Hugh B. Scott, pursuant to 28 U.S.C. § 636(b)(1)(B). On November 14, 2006, Magistrate Judge Scott filed a Report and Recommendation, recommending that the final decision of the Commissioner be reversed and the matter remanded to the Commissioner, that plaintiff's motion for judgment on the pleadings be granted and defendant's motion for judgment on the pleadings be denied.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Scott's Report and Recommendation, the final decision of the Commissioner is reversed and the matter remanded to the Commissioner. Plaintiff's motion for judgment on the pleadings is granted and defendant's motion for judgment on the pleadings is denied.

The Clerk of Court shall take all steps necessary to close the case.

IT IS SO ORDERED.

/s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA  
CHIEF JUDGE  
UNITED STATES DISTRICT COURT

DATED: December 8, 2006